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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,164	10/21/2003	Terry G. Jones	HORS:007	3946

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EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/690,164

Applicant(s)

JONES ET AL.

Examiner

Drew E. Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_ See 37 CFR 1.85(a)

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 14 recites a "multi-directional heat source". It is not clear what a "multi-directional heat source" is. For examination purposes, this term will be interpreted as reading on a convection oven.

4. Claims 20-21 recite "The product cooked food of the method of claim...". It is not clear what is being claimed. It is suggested that the language "A cooked food product made by the method of claim..." be adopted.

2. Claims 14-21 are rejected under 35 U.S.C. 112, second paragraph, as being

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 14-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being

Claims 20-21 recite "The product cooked food of the method of claim...". It is not anticipated by Lampi et al [Pat. No. 5,465,654].

made by the method of claim..." be adopted.

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Lampi et al teach a method for cooking food by placing it in a shell (Figure 1), placing the shell in a convection oven and directing heat through the shell (abstract), heated gas within the shell inherently circulating; supplying a thin, curvilinear pan (Figure 1, #10), supplying a thin, curvilinear lid (Figure 1, #11), cleaning the shell for reuse (column 3, line 56), and a food product made by this method (column 4, line 16).

7. Claims 14-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Toole [Pat. No. 6,307,193].

Toole teaches a method for cooking food by placing it in a shell (Figure 1), placing the shell in a convection/microwave oven and directing heat through the shell (column 5, line 18), heated gas within the shell inherently circulating; supplying a thin, curvilinear

pan (Figure 1, #14), supplying a thin, curvilinear lid (Figure 1, #12), multiple uses of the shell (column 9, line 32), and a food product made by this method (column 9, line 5).

#10), supplying a thin, curvilinear lid (Figure 1, #12), multiple uses of the shell for reuse

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampi et al.

Lampi et al teach the above mentioned concepts. Lampi et al does not recite serving food in the shell, or pan. It would have been obvious to one of ordinary skill in the art

### **Claim Rejections - 35 USC § 103**

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serve food in the pan of Lampi et al since foods were often left in the cooking container so that people could take as much food as they wanted, this was commonly called "family dining".

10. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toole.

Toole teaches the above mentioned concepts. Toole does not recite serving food in the shell, or pan. It would have been obvious to one of ordinary skill in the art serve food in the pan of Toole since foods were often left in the cooking container so that people could take as much food as they wanted, this was commonly called "family dining".

11. Claims 1-4, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng [Pat. No. 6,419,107] in view of Leck [Pat. No. 6,248,435].

Cheng teaches a cooking device comprising a thin-walled, concave, curvilinear, pan (Figure 2, #4), the pan having a concave interior and upper opening (Figure 2, #4), a handle (Figure 2, #16), a thin-walled, convex, curvilinear lid (Figure 2, #2), and an implement fixture with a tine fixture (Figure 2, lid knob). Cheng does not recite a thickness of 0.4-2.0 mm. Leck teaches a cooking device comprising a thin-walled, concave, curvilinear, aluminum pan whose thickness is 1.5-3.2 mm (column 11, line 35). It would have been obvious to one of ordinary skill in the art to incorporate the thickness of Leck into the invention of Cheng since both are directed to cooking devices, since Cheng already included a thin-walled pan and lid (Figure 2, #2 & 4) but simply did not provide any dimensions, and since Leck teaches that cooking pans were conventionally made with a thickness of 1.5-3.2 mm (column 11, line 36).

Implement fixture with a tine fixture (Figure 2, lid knob). Cheng does not recite a

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12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng, in view of Leck, as applied above, and further in view of Andersen [Pat. No. 4,329,919].

Cheng and Leck teach the above mentioned components. Cheng and Leck do not recite at least one detent and notch. Andersen teaches a cooking device comprising notches and detents (Figure 1, #50 & 88). It would have been obvious to one of ordinary skill in the art to incorporate the notches and detents of Andersen into the invention of Cheng, in view of Leck, since all are directed to cooking devices, since Cheng already included a pan and lid (Figure 2, #2 & 4), and since the detents and notches of Andersen functioned to secure the lid to the pan (Figure 1) and thereby prevent spills.

13. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rae [Des. 507,931] in view of Kircher [Pat. No. 1,698,914] and Kuhn [Pat. No. 465,865].

Rae teaches a pot lid comprising a curved strip with a mediate extension (Figure 1) and a pair of rivets which hold it in place (Figure 1). Rae does not recite a central slit, or tine rib. Kircher teaches a cooking pot comprising a top with slits which accommodate forks for lifting it off of the pot (Figure 1, #21-22). Kuhn teaches a pot lid with a tine rib (Figure 1, C). It would have been obvious to one of ordinary skill in the art to incorporate the slits of Kircher into the invention of Rae since both are directed to cooking devices, since Rae already included a lid with a handle (Figure 1), and since the slits of Kircher provided a place for forks to be used in removing the top off of the pot (Figure 1, #21-22) thereby reducing the chance of burning one's hand when removing the lid of Rae. It would have been obvious to one of ordinary skill in the art to incorporate the tine rib of Kuhn into the invention of Rae, in view of Kircher, since all are directed to cooking devices, since Rae already included a lid with a handle (Figure 1), and since the slits of Kircher provided a place for forks to be used in removing the top off of the pot (Figure 1, #21-22) thereby reducing the chance of burning one's hand when removing the lid of Rae.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rae [Des. 507,931] in view of Kircher [Pat. No. 1,698,914] and Kuhn [Pat. No. 465,865].

Rae teaches a pot lid comprising a curved strip with a mediate extension (Figure 1) and a pair of rivets which hold it in place (Figure 1). Rae does not recite a central slit, or tine rib. Kircher teaches a cooking pot comprising a top with slits which accommodate forks for lifting it off of the pot (Figure 1, #21-22). Kuhn teaches a pot lid with a tine rib (Figure 1, C). It would have been obvious to one of ordinary skill in the art to incorporate the slits of Kircher into the invention of Rae since both are directed to cooking devices, since Rae already included a lid with a handle (Figure 1), and since the slits of Kircher provided a place for forks to be used in removing the top off of the pot (Figure 1, #21-22) thereby reducing the chance of burning one's hand when removing the lid of Rae. It would have been obvious to one of ordinary skill in the art to incorporate the tine rib of Kuhn into the invention of Rae, in view of Kircher, since all are directed to cooking devices, since Rae already included a lid with a handle (Figure 1), and since the slits of Kircher provided a place for forks to be used in removing the top off of the pot (Figure 1, #21-22) thereby reducing the chance of burning one's hand when removing the lid of Rae.

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devices, since Rae already included a lid with a handle (Figure 1), since Kircher already included slits which accommodated lifting forks (Figure 1, #21-22), and since the tine rib of Kuhn provided a secure means for engaging a lifting fork (Figure 1, C) thereby preventing accidental dropping of the lid of Rae.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tetreault et al [Des. 506,666], Prochaska [Pat. No. 1,134,905], Ziph [Pat. No. 315,989], Kenkel [Pat. No. 1,277,946], Carruth [Pat. No. 3,777,653], O'Reilly [Pat. No. 3,427,957], DiGiorgio [Pat. No. 2,705,657], Lash [Pat. No. 281,278], Smith [Pat. No. 901,944], Zemit et al [Pat. No. 6,000,739], Tsai [Pat. No. 6,793,093], Yamanaka [Pat. No. 4,201,795], Sarnoff [Pat. No. 6,711,989], Blane [Pat. No. 2,960,255], Hayes [Pat. No. 5,628,427], and Chappell [Pat. No. 6,457,601] teach cooking devices. of Kuhn provided a secure means for engaging a lifting fork (Figure 1, C) thereby preventing accidental dropping of the lid of Rae.

### **Response to Arguments**

15. Applicant's arguments with respect to claims 1-7 and 9-21 have been considered but are moot in view of the new ground(s) of rejection.

Prochaska [Pat. No. 1,134,905], Ziph [Pat. No. 315,989], Kenkel [Pat. No. 1,277,946], Carruth [Pat. No. 3,777,653],

O'Reilly [Pat. No. 3,427,957], DiGiorgio [Pat. No. 2,705,657], Lash [Pat. No. 281,278], Smith [Pat. No. 901,944], Zemit et al [Pat. No. 6,000,739], Tsai [Pat. No. 6,793,093], Yamanaka [Pat. No. 4,201,795], Sarnoff [Pat. No. 6,711,989], Blane [Pat. No. 2,960,255], Hayes [Pat. No. 5,628,427], and Chappell [Pat. No. 6,457,601] teach cooking devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 8am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Drew Becker*  
**DREW BECKER**  
**PRIMARY EXAMINER**

*2B-06*